

34A-2-205. Notification of workers' compensation insurance coverage to division -- Cancellation requirements -- Penalty for violation.

(1) (a) An insurance carrier writing workers' compensation insurance coverage in this state or for this state, regardless of the state in which the policy is written, shall file notification of that coverage with the division or the division's designee within 30 days after the inception date of the policy in the form prescribed by the division.

(b) A policy described in Subsection (1)(a) is in effect from inception until canceled by filing with the division or the division's designee a notification of cancellation in the form prescribed by the division within 10 days after the cancellation of a policy.

(c) Failure to notify the division or its designee under Subsection (1)(b) results in the continued liability of the carrier until the date that notice of cancellation is received by the division or the division's designee.

(d) An insurance carrier described in this Subsection (1) shall make a filing within 30 days of:

- (i) the reinstatement of a policy;
- (ii) the changing or addition of a name or address of the insured; or
- (iii) the merger of an insured with another entity.

(e) A filing under this section shall include:

- (i) the name of the insured;
- (ii) the principal business address;
- (iii) any and all assumed name designations;
- (iv) the address of all locations within this state where business is conducted;

and

(v) all federal employer identification numbers or federal tax identification numbers.

(2) Noncompliance with this section is grounds for revocation of an insurance carrier's certificate of authority in addition to the grounds specified in Title 31A, Insurance Code.

(3) (a) The division may assess an insurer up to \$150 if the insurer fails to comply with this section.

(b) The division shall deposit an amount assessed under Subsection (3)(a) into the Uninsured Employers' Fund created in Section 34A-2-704 to be used for the purposes of the Uninsured Employer's Fund specified in Section 34A-2-704.

(c) The administrator of the Uninsured Employers' Fund shall collect money required to be deposited into the Uninsured Employers' Fund under this Subsection (3) in accordance with Section 34A-2-704.

(4) (a) The notification of workers' compensation insurance coverage required to be filed under Subsection (1) is a protected record under Section 63G-2-305.

(b) The commission or any of its divisions may not disclose the information described in Subsection (4)(a) except as provided in:

(i) Title 63G, Chapter 2, Government Records Access and Management Act, for a protected record; or

(ii) Subsection (4)(c), notwithstanding whether Title 63G, Chapter 2, Government Records Access and Management Act, permits disclosure.

(c) The commission may disclose the information described in Subsection (4)(a)

if:

(i) the information is disclosed on an individual case basis related to a single employer;

(ii) the information facilitates the:

(A) coverage of subcontractors by identifying the insurance carrier providing workers' compensation coverage for an employer;

(B) filing of a claim by an employee; or

(C) payment of services rendered on an employee's claim by a medical practitioner; and

(iii) promotes the purposes of this chapter or Chapter 3, Utah Occupational Disease Act.

(d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules concerning when information may be disclosed under Subsection (4)(c).

Amended by Chapter 288, 2009 General Session